



DEPARTMENT OF THE ARMY
JACKSONVILLE DISTRICT CORPS OF ENGINEERS
P. O. BOX 4970
JACKSONVILLE, FLORIDA 32232-0019



REPLY TO
ATTENTION OF

Regulatory Division
199404532(IP-BB)

Modification#1

JUN 10 1997

Mr. Samuel E. Poole III
Executive Director
South Florida Water Management District
P.O. Box 24680
West Palm Beach, Florida 33406-4680

Dear Mr. Poole:

Reference is made to the Department of the Army Permit, numbered 199404532, that authorized certain works for the Everglades Construction Project. The permit was issued to the South Florida Water Management District on March 13, 1997. This letter hereby modifies that permit. This is the first modification. In the following paragraphs, excerpts from the permit are shown with the modifications shown as additions and/or strikeouts.

The following changes are made to clarify the roles of the permit and the Florida Department of Environmental Protection in establishing water quality standards.

- a. In the lead paragraph of Special Condition 1:
"... applicable water quality standards as adopted by rule by Florida Department of Environmental Protection (FDEP) or the Florida Environmental Regulation Commission (ERC) as required by..."
- b. The end of the lead paragraph of Special Condition 1:
"...10 ppb shall be used as the design parameter pending adoption of the numeric criterion by the FDEP or the ERC. It is not the intent of this permit to alter the legal requirements under State and Federal law governing the methodology for measuring compliance with the phosphorus criterion."
- c. In the lead paragraph of Special Condition 3:
"... applicable water quality standards as adopted by rule by Florida Department of Environmental Protection (FDEP) or the Florida Environmental Regulation Commission (ERC) as required by..."

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d. In Special Condition paragraph 3: "...10 ppb shall be used as the design parameter pending adoption of the numeric criterion by the FDEP or the ERC. It is not the intent of this permit to alter the legal requirements under State and Federal law governing the methodology for measuring compliance with the phosphorus criterion."

e. The middle of the paragraph of Special Condition 5: "...10 ppb shall be used as the design parameter pending adoption of the numeric criterion by the FDEP or the ERC."

f. The end of the lead paragraph of Special Condition 7: "...10 ppb shall be used as the design parameter pending adoption of the numeric criterion by the FDEP or the ERC."

The following changes are made to clarify the use of the 10 parts per billion in the permit.

a. In the lead paragraph of Special Condition 1: "...as required by State and Federal law, including but not limited to: the provision in the Everglades Forever Act, 373.4592(4)(e).2. F.S., that the phosphorus criterion shall be 10 parts per billion (ppb) in the event the FDEP does not adopt by rule such criterion by December 31, 2003; and, the requirements of 33 U.S.C.A. Section 1313(c) of the Clean Water Act. Measures to be considered shall include those described in Specific Condition 7 below. ~~The phosphorus criterion shall 10 parts per billion (ppb) for Water Conservation Area 2A (WCA 2A) receiving waters in the event the FDEP does not adopt by rule, in accordance with 33 U.S.C.A. Section 1313(c) of the Clean Water Act, such criterion by December 31, 2003.~~

b. In Special Condition paragraph 3: "...as required by State and Federal law, including but not limited to: the provision in the Everglades Forever Act, 373.4592(4)(e).2. F.S., that the phosphorus criterion shall be 10 parts per billion (ppb) in the event the FDEP does not adopt by rule such criterion by December 31, 2003; and, the requirements of 33 U.S.C.A. Section 1313(c) of the Clean Water Act. Measures to be considered shall include those described in Specific Condition 7 below. ~~The numeric phosphorus criterion shall 10 parts per billion (ppb) for WCA 3A receiving waters in the event the FDEP does not adopt by rule, in accordance with 33 U.S.C.A. Section~~

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~~1313(e) of the Clean Water Act, such criterion by December 31, 2003.~~

c. In the first sentence of Special Condition 5: "...as required by State and Federal law, including but not limited to: the provision in the Everglades Forever Act, 373.4592(4)(e).2. F.S., that the phosphorus criterion shall be 10 parts per billion (ppb) in the event the FDEP does not adopt by rule such criterion by December 31, 2003; and, the requirements of 33 U.S.C.A. Section 1313(c) of the Clean Water Act. The strategy shall be based on achieving a numeric phosphorus criterion of 10 parts per billion (ppb) for each receiving water in the event the FDEP does not adopt by rule, in accordance with 33 U.S.C.A. Section 1313(e) of the Clean Water Act, such criterion by December 31, 2003.

d. In the first sentence of Special Condition 7: "...as required by Federal and State law (including but not limited to: the provision in the Everglades Forever Act, 373.4592(4)(e).2. F.S., that the phosphorus criterion shall be 10 parts per billion (ppb) in the event the FDEP does not adopt by rule such criterion by December 31, 2003; and, the requirements of 33 U.S.C.A. Section 1313(c) of the Clean Water Act), and the restoration goals as outlined by Federal and State law. The phosphorus criterion shall be 10 parts per billion (ppb) in the event the FDEP does not adopt by rule, in accordance with 33 U.S.C.A. Section 1313(e) of the Clean Water Act, such criterion by December 31, 2003.

The following changes substitute the word "special" for the word "specific".

a. In lead paragraph of Special Condition 1: "Measures to be considered shall include those described in Specific Special Condition 7 below."

b. In Special Condition paragraph 1.b.(6)(b): "...additional water quality improvement measures identified in Specific Special Condition 7..."

c. In Special Condition paragraph 2.a.: "Measures to be considered shall include those described in Specific Special Condition 7 below."

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d. In Special Condition paragraph 3: "Measures to be considered shall include those described in Specific Special Condition 7 below."

e. In Special Condition paragraph 9: "...which is to be considered in the preparation of the plan required by Specific Special Condition 8b."

The following change to Special Condition paragraph 1.a. is made to clarify which effects are under discussion: "It is recognized that the environmental effects of hydropattern restoration described by..."

The following changes are made at the request of the permittee for additional time to prepare the submittal.

a. At Special Condition paragraph 1.b.(6): "...then within ~~90~~ 120 days the permittee shall submit plans..."

b. At Special Condition paragraph 2.b.(6)(c): "...then within ~~90~~ 120 days the permittee shall submit plans..."

Note, the subsequent modification later in this letter renumbers this paragraph to 2.c.(3).

The following changes are made at the request of the permittee to readjust the paragraph numbering to make the purpose of the subparagraphs clearer.

a. At Special Condition paragraph 2.b.: "...if all of the following conditions and those in subparagraph "c." of Special Condition 2 are met."

b. Renumber Special Condition paragraph 2.b.(7) to 2.c. as follows: "c. (7) When an agreement is..."

c. Renumber Special Condition subparagraph 2.b.(7)(a) through (c), inclusive, to 2.c.(1) through (3) as follows: "~~(a)~~ (1) Within two years plus..."

"~~(b)~~ (2) Within 90 days of the..."

"~~(i)~~ (a) Beneficial environmental..."

"~~(ii)~~ (b) Adverse environmental..."

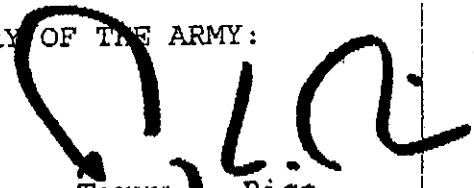
"~~(c)~~ (3) If a determination..."

d. Renumber Special Condition subparagraph 2.c. to 2.d. as follows: "~~e.~~ d. Releases from STA-5..."

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These modifications are effective on the date of this letter. Thank you very much for your assistance in resolving these issues and for your cooperation with our permit program.

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

A large, stylized handwritten signature in black ink, appearing to read 'T. L. Rice', is written over the typed name and title.

Terry L. Rice
Colonel, U.S. Army
District Engineer